

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SOPHIA BALOW, AVA
BOUTROUS, JULIA COFFMAN,
KYLIE GOIT, EMMA INCH,
SHERIDAN PHALEN,
MADELINE REILLY, OLIVIA
STARZOMSKI, SARAH
ZOFCHAK, TAYLOR ARNOLD,
and ELISE TURKE, Individually
and on behalf of all those similarly
situated,
Plaintiffs,
v.

MICHIGAN STATE
UNIVERSITY, MICHIGAN
STATE UNIVERSITY BOARD OF
TRUSTEES, SAMUEL L.
STANLEY JR. and BILL
BEEKMAN,

Defendants.

CIVIL ACTION NO.

DECLARATION OF ATTORNEY JILL
ZWAGERMAN

DECLARATION OF JILL M. ZWAGERMAN

I, Jill M. Zwagerman, declare as follows:

1. I am *above* the age of eighteen years and understand the obligations of an oath.
2. I am counsel to the Plaintiffs in this matter.
3. On November 16, 2020, I sent to Samuel Stanley, President of Michigan State University and Brian Quinn, Vice President for Legal Affairs and General

Counsel, *via* regular mail and email, a letter explaining that the University's announced elimination of its women's swimming and diving team would violate Title IX. I requested that they not eliminate the women's swimming and diving program, and I asked to have a meaningful discussion about it. The letter requested a response by December 4, 2020.

4. On December 4, 2020, Attorney Quinn responded that it does not intend to revisit its decision to discontinue the swimming and diving program.

5. On December 30, 2020, I again wrote to Mr. Quinn. In this letter, I requested documents and brought to their attention the University of Iowa case, where a Federal District Court Judge for the Southern District of Iowa granted a preliminary injunction prohibiting the University of Iowa from cutting its swimming and diving program. I asked Mr. Quinn to let us know if this opinion changed their mind and whether we could discuss reinstating the women's swimming and diving team.

6. On December 30, 2020, Mr. Quinn responded via email stating he was forwarding the documents request to FOIA, but was silent and has remained silent on reinstating women's swimming and diving.

7. Hearing nothing, I have taken Mr. Quinn at his word that MSU is not reversing course and will not voluntarily reinstate women's swimming and diving.

8. I have e-mailed to Attorney Quinn copies of the Complaint, Motion for Preliminary Injunction, Memorandum of Law, Proposed Preliminary Injunction, Declarations, and supporting documentation on January 15, 2021, prior to filing them with the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 15, 2021



Jill M. Zwagerman,

Attorney